

Appl. No.: 10/609,180
Amdt. dated 03/23/2005
Reply to Official Action of December 23, 2004

REMARKS/ARGUMENTS

Applicant appreciates the thorough examination of the present application, as evidenced by the first Official Action. The first Official Action rejects all of the pending claims, namely Claims 1-25, under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. More particularly, the Official Action alleges that the expression "such that" is indefinite as such appears in independent Claims 1, 9, 17 and 25 as well as a number of the dependent claims. In addition, the Official Action further rejects Claims 1-3, 5-11, 13-19 and 21-25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,794,156 to Alanara; and rejects the remaining claims, namely Claims 4, 12 and 20, under 35 U.S.C. § 103(a) as being unpatentable over the Alanara patent, in view of U.S. Patent No. 5,832,060 to Corlett et al.

As explained below, Applicant respectfully submits that the claimed invention of the present application is definite as required by 35 U.S.C. § 112, second paragraph, and as such, Applicant respectfully traverses the rejection of the claims as being indefinite. As also explained below, Applicant respectfully submits that the claimed invention of the present application is patentably distinct from the Alanara patent and the Corlett patent, taken individually or in combination. Accordingly, Applicant also traverses the rejections of the claims as being anticipated by or unpatentable over the Alanara patent or combination of the Alanara and Corlett patents. Nonetheless, Applicant has added new Claims 26-28 to claim further patentable features of the claimed invention. In view of the added claims and the remarks presented herein, Applicant respectfully requests reconsideration and allowance of all of the claims of the present application.

A. The Claimed Invention is Definite

The Official Action rejects all of the pending claims as being indefinite; alleging that the expression "such that" is indefinite as such appears in independent Claims 1, 9, 17 and 25 as well as a number of the dependent claims. As recited by the claimed invention, the expression "such that" introduces a condition of an element or expression. Independent Claim 1 of the present application, for example, recites a method of delivering a service to a mobile station that includes

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entering the conversation or information transfer state such that the service can be delivered to the mobile station. According to the method of independent Claim 1, then, the ability to deliver the service to the mobile station is a condition of entering the conversation or information transfer state. Thus, in contrast to the allegation of the Official Action, such a condition is part of the claimed invention as the claimed invention recites the condition as being placed on a respective element or expression.

Applicant notes that, in support of the indefiniteness rejection of the claimed invention, the Official Action cites MPEP § 2173.05(d). In this regard, § 2173.05(d) explains that exemplary claim language may be found to be indefinite under 35 U.S.C. § 112, second paragraph. To illustrate such exemplary claim language, § 2173.05(d) includes claim language including the phraseology "for example," "such, for example, as" and "such as." In contrast to the phraseology illustrated as being exemplary claim language and, thus, indefinite, the claimed invention of the present application recites the expression "such that" which, as explained above, is in fact definite within 35 U.S.C. § 112, second paragraph. Applicant therefore respectfully submits that the rejection of the claimed invention under 35 U.S.C. § 112, second paragraph, as being indefinite, is overcome.

B. *The Claimed Invention is Patentable*

The Official Action further rejects Claims 1-3, 5-11, 13-19 and 21-25 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,794,156 to Alanara. The Alanara patent discloses a cellular communication system with enhanced priority access and channel assignment functions. As cited by the Official Action against the claims of the present application, the Alanara patent explains the Priority Access and Channel Assignment (PACA) feature of the Time Division Multiple Access (TDMA) communication system, as such is provided by the standard IS-136 (see FIG. 3). More particularly, the Alanara patent discloses that, in accordance with the PACA feature of IS-136, a page message is sent to the mobile station on a control channel (with a distinctive alert message), after which the mobile station sends a response (see FIG. 3, steps 1 and 2). Upon receiving the response, the serving mobile switching center (MSC) allocates a traffic channel (TCH) to the mobile station and notifies the mobile station of this

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allocation, to which the mobile station may respond with a TCH allocation acknowledgement (ACK) message (see FIG. 3, steps 3 and 4). After receiving the THC allocation, the mobile station re-tunes to the allocated traffic channel, starts TCH transmission, and alerts the user to an incoming call (see FIG. 3, step 5). If the user responds to the alert by answering the call, the mobile station sends a message to the system that the user has answered (see FIG. 3, step 6); otherwise, if the user does not answer in a predetermined time, the call is terminated. Presuming the user answers the call, the system sends an origination message to an external network, and the call proceeds as a normal origination with the mobile station entering the conversation state (see FIG. 3, steps 7 and 8).

In accordance with one aspect of the claimed invention of the present application, as recited by independent Claim 1, a method of delivering a service (e.g., voice message service) to a mobile station includes receiving an alert message to thereby initiate a call to the mobile station, where the alert message is received by the mobile station from a network entity (e.g., Base Station/Mobile Switching Center/Interworking function – BMI) over a traffic channel. Thereafter, a conversation or information transfer state is entered based upon the alert message without the initiated call first being answered. As further recited, the conversation or information transfer state is entered such that the service can be delivered to the mobile station.

In contrast to the conventional PACA feature of IS-136 disclosed by the Alanara patent, the claimed invention of the present application recites entering a conversation or information transfer state without first answering an initiating call. As explained above, after allocating a traffic channel (TCH) to the mobile station, the mobile station re-tunes to the allocated traffic channel, starts TCH transmission, and alerts the user to an incoming call (see FIG. 3, step 5). If the user responds to the alert by answering the call, the mobile station sends a message to the system that the user has answered (see FIG. 3, step 6), and the call proceeds as a normal origination (see FIG. 3, steps 7 and 8); otherwise, the call is terminated. Thus, in accordance with the Alanara patent, a call must be answered before the mobile station enters a state (conversation or information transfer) such that a service can be delivered to the mobile station.

As explained in the specification of the present application, communication systems like IS-136 require the user to be alerted to an incoming call for a predetermined amount of time

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before terminating the call, or until the user answers the incoming call. During this predetermined amount of time, however, the mobile station occupies a traffic channel allocated to the mobile station. Accordingly, in contrast to the method shown and described with respect to FIG. 3 of the Alanara patent, the claimed invention provides for entering a conversation or information transfer state without first answering the initiating call, the claimed invention thereby reducing the period of time the mobile station occupies the allocated traffic channel.

Applicant notes that the Official Action appears to suggest that the page message sent to the mobile station at step 1 of FIG. 3 of the Alanara patent corresponds to the alert message of the claimed invention. Applicant respectfully submits, however, that as disclosed by the Alanara patent, the page message at step 1 is sent to the mobile station on a control channel. Alanara '156 Patent, col. 1, l. 61. In contrast, the alert message of the claimed invention is received over a traffic channel. In accordance with the method of FIG. 3 of the Alanara patent, the mobile station does not even tune to an allocated traffic channel until step 5. Accordingly, the page message sent to the mobile station at step 1 of FIG. 3 of the Alanara patent cannot correspond to the alert message of the claimed invention.

Applicant further notes that the Official Action appears to suggest that the mobile station's acknowledgement of its traffic channel allocation at step 4 corresponds to entering a conversation or information transfer state without the initiated call first being answered.

However, as the mobile station does not even tune to an allocated traffic channel until the subsequent step 5, sending the traffic channel allocation acknowledgement cannot be based upon an alert message received by the mobile station over the traffic channel, as is the entering step of the claimed invention. Applicant therefore respectfully submits that sending the traffic channel allocation acknowledgement cannot correspond to entering one of a conversation and information transfer state based upon an alert message, where the alert message is received over a traffic channel, as recited by the claimed invention.

Applicant therefore respectfully submits that the claimed invention of independent Claim 1, and by dependency Claims 2-8 and 26, is patentably distinct from the Alanara patent. Applicants also respectfully submit that the independent Claims 9, 17 and 25 each recite subject matter similar to that of independent Claim 1. That is, independent Claims 9, 17 and 25 each

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recite receiving an alert message over a traffic channel, and entering one of a conversation and information transfer state based upon the alert message without the initiate call first being answered. Accordingly, Applicant respectfully submits that independent Claims 9, 17 and 25, and by dependency Claims 10-16, 18-24, 27 and 28, are patentably distinct from the Alanara patent for at least the same reasons given above with respect to independent Claim 1. As such, Applicant respectfully submits that the rejection of Claims 1-3, 5-11, 13-19 and 21-25 under 35 U.S.C. § 102(b) as being anticipated by the Alanara patent is overcome.

The Official Action also rejects Claims 4, 12 and 20 as being unpatentable over the Alanara patent in view of the Corlett patent. Like the Alanara patent, the Corlett patent, which focuses on call-back messaging, does not teach or suggest entering a conversation or information transfer state without first answering the initiating call, the state being entered based upon an alert message received over a traffic channel, as recited by the claimed invention of independent Claims 1, 9, 17 and 25. Applicants therefore respectfully submit that the claimed invention of independent Claims 1, 9, 17 and 25, and by dependency Claims 2-8, 10-17, 18-24 and 26-28, is patentably distinct from the Corlett patent. Accordingly, as neither the Alanara patent nor the Corlett patent teach or suggest elements of the claimed invention, the combination of the Alanara patent and Corlett patent likewise do not teach or suggest the claimed invention. Applicant therefore respectfully submits that the rejection of Claims 4, 12 and 20 under 35 U.S.C. § 103(a) as being unpatentable over the Alanara patent, in view of the Corlett patent, is overcome.

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CONCLUSION

In view of the added claims and the remarks presented above, Applicant respectfully submits that the present application is in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

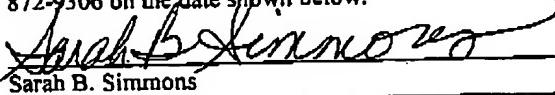


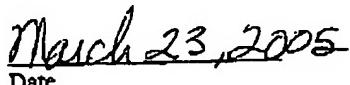
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